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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15

16 ROBERT CRAGO, Individually And On Behalf  
17 Of All Others Similarly Situated,

18 Plaintiff,

19 v.

20 THE CHARLES SCHWAB CORPORATION,  
CHARLES SCHWAB & CO., INC., CHARLES  
21 R. SCHWAB, and WALTER W. BETTINGER  
II,

22 Defendants.

23 Case No. 3:16-cv-3938-RS

24 **STIPULATION AND [PROPOSED]  
25 ORDER TO EXTEND DEADLINE TO  
26 RESPOND TO COMPLAINT AND TO  
27 VACATE INITIAL CASE  
28 MANAGEMENT CONFERENCE**

1 WHEREAS, Plaintiff Robert Crago (“Plaintiff”) filed his complaint on July 13, 2016;

2 WHEREAS, the Court set an initial case management conference for October 13, 2016 (*see*  
3 ECF No. 13);

4 WHEREAS, on July 27, 2016, Plaintiff sent a Notice of Lawsuit and Request To Waive  
5 Service of Summons to Defendants The Charles Schwab Corporation, Charles Schwab & Co., Inc.,  
6 Charles R. Schwab, and Walter W. Bettinger II (collectively “Defendants”);

7 WHEREAS, Defendants agreed to waive service as to The Charles Schwab Corporation and  
8 Charles Schwab & Co., Inc. and sent these waivers to Plaintiff on August 26, 2016;

9 WHEREAS, pursuant to the Securities Exchange Act of 1934 (as amended by the Private  
10 Securities Litigation Reform Act of 1995) (*see* 15 U.S.C. §78u-4(a)(3)(i)(II)) and Civ. L.R. 23-1(b),  
11 on September 16, 2016, two sets of parties moved the Court for appointment as lead plaintiff of the  
12 putative class, and the hearing on the motion is set for October 27, 2016 (*see* ECF Nos. 14, 17);

13 WHEREAS, Plaintiff Crago has not moved for appointment as lead plaintiff of the putative  
14 class;

15 WHEREAS, following appointment of lead plaintiff, a new or Amended Complaint will be  
16 filed and Defendants anticipate that they will likely move to dismiss said Complaint;

17 WHEREAS, these parties agree that in light of the foregoing circumstances and in the  
18 interest of judicial efficiency, administration and justice, as well as conservation of judicial and  
19 private resources, the appointed lead plaintiff who amends or files a new Complaint should be  
20 responsible for responding to Defendants’ intended motion to dismiss;

21 WHEREAS, the parties have conferred and have agreed to extend the deadline for  
22 Defendants to respond to the Amended Complaint until 30 days after the lead plaintiff files the  
23 Amended Complaint;

24 WHEREAS, pursuant to the terms of the Securities Exchange Act (as amended by the  
25 PSLRA) (*see* 15 U.S.C. §78u-4(b)(3)(B)), all discovery is currently stayed pending resolution of  
26 any motion to dismiss filed by Defendants; and

27 WHEREAS, these parties also agree that the initial case management conference, now set to  
28 occur before the hearing on lead plaintiff, should be vacated.

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO APPROVAL BY THIS COURT, by these parties through their respective counsel of record, as follows:**

1. Defendants' deadline to respond to the Complaint will be extended until 30 days after the appointed lead plaintiff files a new or Amended Complaint;

2. The initial case management conference currently scheduled for October 13, 2016 will be vacated;

3. These parties have not sought any other extension of time in this action;

4. These parties do not seek to reset these dates for the purpose of delay. The proposed new dates will not have an effect on any pre-trial and trial dates as the Court has yet to schedule these dates.

SO STIPULATED.

Dated: September 23, 2016

ARNOLD & PORTER LLP

By: /s/ *Gilbert R. Serota*  
**GILBERT R. SEROTA**

Attorneys for Defendants THE CHARLES SCHWAB CORPORATION and CHARLES SCHWAB & CO., INC.

Dated: September 23, 2016

## LEVI & KORSINSKY LLP

By: /s/ Adam McCall  
ADAM MCCALL

Attorneys for Plaintiff  
**ROBERT CRAGO**

## ATTESTATION

I, Gilbert R. Serota, am the ECF User whose identification and password are being used to file this Stipulation And [Proposed] Order To Extend Deadline To Respond To Complaint And To Vacate Initial Case Management Conference. In compliance with Local Rule 5-1(i)(3), I hereby attest that counsel for plaintiff, Adam McCall, concurs in this filing.

DATED: September 23, 2016.

/s/ Gilbert R. Serota  
**GILBERT R. SEROTA**

1 **[PROPOSED] ORDER**  
2

3 Based on the parties' stipulation and the good cause described therein, the Court GRANTS  
4 this stipulation. Defendants' deadline to respond is 30 days after the appointed lead plaintiff for the  
5 putative class files a new or Amended Complaint. The initial case management conference set for  
shall be  
October 13 ~~is vacated~~ continued to January 5, 2017. Joint case management  
statement due December 29, 2016.

6 IT IS SO ORDERED.

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8 DATED: 9/26/16



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9 HON. RICHARD SEEBOORG  
10 U.S. District Court Judge

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